

EXHIBIT A

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15 Attorneys for Plaintiffs

16
17 **IN THE UNITED STATES DISTRICT COURT**
18
19 **FOR THE DISTRICT OF ARIZONA**

20 Austin Flake and Logan Flake,
21 Plaintiffs,

22 v.

No. CV 15-01132-PHX-NVW

23 Joseph Arpaio, in his personal and
24 official capacities, Ava J. Arpaio, in her
25 personal capacity as the spouse of Joseph
26 Arpaio, Marie Trombi, in her personal
27 capacity, ~~John Dee Trombi, in his~~
28 ~~personal capacity as the spouse of Marie~~
Trombi, and Maricopa County, Arizona,
a political subdivision of the State of
Arizona,

Defendants.

SECOND PROPOSED THIRD
AMENDED COMPLAINT

(Jury trial demanded)

29 For their ~~Second~~ Third Amended Complaint against Defendants, Plaintiffs
30 allege the following:

- 31 1. This is a civil action seeking to redress the violation of the rights of Austin
32 Flake and Logan Flake under the First, Fourth, and Fourteenth Amendments to
33 the Constitution of the United States and the common law of Arizona.

1 2. Plaintiffs assert their federal claims against Defendants under the Civil Rights
2 Act of 1871, 42 U.S.C. § 1983, and the doctrine of supplemental jurisdiction
3 under 28 U.S.C. § 1367 as to Plaintiffs' state law claims.

4 **General Allegations**

5 3. Austin Flake is an adult male residing in Maricopa County, Arizona.

6 4. Logan Flake is an adult woman residing in Maricopa County, Arizona.

7 5. Defendant Joseph Arpaio is the Sheriff of Maricopa County, Arizona.

8 6. Defendant Ava Arpaio is Joseph Arpaio's spouse.

9 7. Sheriff Arpaio was acting for the benefit of his marital community with Ava
10 Arpaio at all times material to this Complaint.

11 8. Defendant Marie Trombi is a law enforcement officer who was employed by the
12 Maricopa County Sheriff's Office as a detective at all times material to this
13 Complaint.

14 ~~9. Defendant John Doe Trombi is Marie Trombi's spouse.~~

15 ~~10.9. Marie Trombi was acting for the benefit of her marital community with John~~
16 ~~Doe Trombi at all times material to this Complaint.~~

17 ~~11.10. Marie Trombi was acting under color of state law and within the scope of her~~
18 ~~employment with the Maricopa County Sheriff's Office at all times material to~~
19 ~~this Complaint.~~

20 ~~12.11. Defendant Maricopa County, Arizona is a political subdivision of the state of~~
21 ~~Arizona.~~

22 ~~13.12. The Maricopa County Sheriff's Office ("MCSO") is owned and operated by~~
23 ~~Maricopa County, Arizona.~~

24 ~~14.13. In his capacity as Sheriff of Maricopa County, Sheriff Arpaio is the final~~
25 ~~decision-maker regarding matters of law-enforcement in Maricopa County,~~
26 ~~Arizona.~~

27 ~~15.14. Sheriff Arpaio was acting under of color of state law and within the course and~~
28 ~~scope of his office as Maricopa County Sheriff at all times material to this~~
Complaint.

1 ~~16-15.~~ In June of 2014, Austin and Logan Flake were a young married couple from the
2 East Valley of Maricopa County, Arizona living in Provo, Utah, where Austin
3 was a student at Brigham Young University.

4 ~~17-16.~~ Austin was 21 years-old, and Logan was 20 years-old.

5 ~~18-17.~~ Austin is the son of United States Senator Jeff Flake of Arizona.

6 ~~19-18.~~ In late June of 2014, Plaintiffs were back in Gilbert, Arizona house-sitting for
7 Logan's parents, Jesse and MaLeisa Hughes, who were out-of-state on a short
8 vacation.

9 ~~20-19.~~ Austin and Logan were responsible for taking care of Logan's siblings, as well
10 as tending to the dog kennel that Logan's parents operated out of their home.

11 ~~21-20.~~ The kennel at times boarded approximately ~~20-15~~ to 30 dogs for short stays.

12 ~~22-21.~~ In the early morning hours of Friday, June 20, 2014, the air conditioning system
13 that cooled the kennel unexpectedly malfunctioned and stopped working.

14 ~~23-22.~~ Because the air conditioning system unexpectedly failed, the temperature in the
15 kennel increased substantially overnight and this ultimately resulted in the tragic
16 deaths from heat stroke of twenty-one dogs housed in the kennel for the night—
17 including Logan's own family pet, "Patrick—," who slept in the kennel with
18 the rest of the pets.

19 ~~24-23.~~ When Austin and Logan discovered the dogs at approximately 5:30 a.m. on
20 June 20, 2014, the pets were nearly all already dead or dying from what
21 appeared to be heat stroke.

22 ~~25-24.~~ Although Austin and Logan tried to cool the pets down with water and ice, their
23 efforts were unavailing.

24 ~~26-25.~~ On the very next day, June 21, 2014, deputies from the Maricopa County
25 Sheriff's Office responded to calls about the deaths of the dogs at the kennel.

26 ~~27-26.~~ The owner of the kennel and the home, Logan's step-father Jesse Hughes, told
27 the deputies that the dogs had died during the night because the air conditioning
28 system in the kennel had unexpectedly failed. He also speculated that the
system might have failed because an electrical wire in the room may have been

1 chewed-through by a dog.

2 ~~28-27.~~ Austin accurately told the deputies that when he checked on the dogs before
3 going to bed at around 11:00 p.m. on Thursday, June 19, 2014, the kennel was
4 cool and the air conditioning system was working, but that when he went back
5 to check on the dogs early the next morning (Friday, June 20, 2014) at around
6 5:30 a.m., the room was more than 100 degrees and the air conditioning system
7 was not working.

8 ~~29-28.~~ Neither Austin nor Logan had any reason to either believe that the air
9 conditioning system cooling the kennel was in ill repair or to anticipate that it
10 would fail.

11 ~~30-29.~~ As indicated above, Austin and Logan did not live in the Hughes' home and
12 were only there for the week to care for the children and dogs while the Hughes
13 were away on vacation.

14 ~~30.~~ Austin and Logan had arrived at the Hughes' home on approximately
15 ~~Friday~~ Saturday, June ~~13~~ 14, 2014, and the air conditioning system in the kennel
16 had worked fine all week (six days) without any incident until it unexpectedly
17 failed in the early hours of June 20, 2014.

18 ~~31.~~ The Hughes home had two air conditioning systems, one of which cooled the
19 kennel (among other rooms) and another air conditioning system that cooled the
20 part of the home where the Flakes slept.

21 ~~31-32.~~ Consequently, the Flakes did not realize the air conditioning system cooling the
22 kennel had failed until Austin went into the kennel at approximately 5:30 a.m.
23 on June 20, 2014.

24 ~~32-33.~~ Accordingly, on June 22, 2014, a Maricopa County Sheriff's Deputy accurately
25 admitted that the death of the pets was a "tragic accident . . ."

26 ~~33-34.~~ However, only a day later, on June 23, 2014, Sheriff Arpaio issued a press
27 release regarding the death of the twenty-one dogs at the Hughes' kennel (a)
28 proclaiming himself "aggressive" on "animal abuse and neglect," (b) promising
a "full investigation" in which "no stone will go unturned," (c) falsely claiming

1 that information "given by the owners and caretakers [was] highly suspect," and
2 (d) identifying Logan and Austin Flake by name as the wrongdoers.

3 ~~34-35.~~ A true and correct copy of Sheriff Arpaio's press release of June 23, 2014 is
4 attached hereto as Exhibit 1.

5 ~~35-36.~~ When considered as a whole, Sheriff Arpaio's press release falsely stated or
6 implied by innuendo that Austin and Logan had recklessly, knowingly, or
7 intentionally caused the deaths of twenty-one dogs and then tried to cover it up
8 by lying about it.

9 ~~36-37.~~ Sheriff Arpaio's press release brought Austin and Logan into public disrepute,
10 contempt, and ridicule and also invaded their personal privacy.

11 ~~37-38.~~ Sheriff Arpaio was eager to publicly accuse the Flakes of criminal conduct in
12 order to embarrass Senator Jeff Flake, Austin Flake's father, who had been
13 critical of Sheriff Arpaio's conduct in office.

14 ~~38-39.~~ For example, Senator Flake had publicly criticized the so-called "birther"
15 movement, of which Sheriff Arpaio was a vocal proponent, having conducted a
16 lengthy investigation of the birthplace of President Barack Obama, which
17 culminated in a public announcement that "[p]robable cause exist[ed]" to accuse
18 the President of forgery and fraud.

19 ~~39-40.~~ Sheriff Arpaio had also publicly announced that he was contemplating a
20 political campaign against Senator Flake to secure the Senator's seat in the
21 United States Senate.

22 ~~40-41.~~ Sheriff Arpaio has a long history of investigating and maliciously and falsely
23 charging his perceived political enemies with criminal conduct and has cost the
24 taxpayers of Maricopa County literally millions of dollars by asserting bogus
25 charges against his perceived political enemies.

26 ~~41-42.~~ In accordance with Sheriff Arpaio's ~~political-malicious,~~ political motivations,
27 the MCSO actually attempted to connect Senator Jeff Flake with the tragic
28 death of the dogs.

1 42-43. For example, on approximately June 27, 2014, MCSO Deputy Chief David
2 Trombi examined Austin and Logan's telephone records searching for any
3 record of communications between Austin and Logan and Senator Flake and his
4 wife during the time period relevant to the death of the dogs, but found none.

5 43-44. On approximately June 27, 2014, agents of the MCSO actually surveilled
6 Senator Flake's home seeking to implicate Senator Flake in the incident, even
7 though Austin and Logan were back at school in Utah at the time.

8 44-45. Sheriff Arpaio knew that his accusations of criminal conduct against Austin
9 Flake would attract local and national media attention to the detriment of
10 Senator Flake, all the while garnering favorable publicity for Sheriff Arpaio,
11 self-described as "America's toughest Sheriff."

12 45-46. Under Sheriff Arpaio's supervision, direction, or approval, the MCSO
13 proceeded to hire an "expert" on air conditioning systems and directed the
14 expert to investigate why the air conditioning system at the Hughes' kennel
15 failed.

16 46-47. On July 12, 2014, after examining the evidence, the expert that the MCSO hired
17 concluded that (a) it was "very likely" that the air conditioning system shut
18 down "completely" and (b) the cause of the system's failure was that the
19 homeowners, i.e., Logan's parents, had failed to timely clean or replace the
20 filters on the system and dirty filters ultimately caused the system to fail.

21 47-48. Soon thereafter, under Sheriff Arpaio's supervision and/or direction, the MCSO
22 obtained a court order for the Hughes' home electrical usage records from the
23 Salt River Project.

24 48-49. On July 16, 2014, MCSO Deputy Robert Walter Kalinowski received a report
25 from the Salt River Project detailing the electrical usage in the Hughes' home
26 on the night of the incident (June 20, 2014) and surrounding months.

27 49-50. Salt River Project's report showed a ~~forty~~ thirty-seven percent (40%) drop in
28 electrical usage at the Hughes' home starting in the early morning hours of June

1 20, 2014, as compared to every other night during that week and the previous
2 weeks.

3 51. The electrical usage at the home on June 20, 2014 also flat-lined for hours,
4 instead of "cycling" as it had done on every other night.

5 50-52. The drop in electrical usage at the Hughes home in the early morning hours of
6 June 20, 2014 was consistent with the failure of the air conditioning unit cooling
7 the kennel.

8 51-53. Deputy Kalinowski also asked the Salt River Project if there were any electrical
9 "black-outs" reported in the area that night.

10 52-54. The Salt River Project responded that there were no electrical black-outs in the
11 area that night.

12 53-55. Notwithstanding Salt River Project's report, Deputy Kalinowski subsequently
13 authored a report that falsely stated that the electrical usage at the home on the
14 night of the incident was "consistent" with previous days.

15 54-56. The information then known to the MCSO did not support a finding of probable
16 cause that the Flakes had intentionally harmed the deceased dogs in any way,
17 knowingly disregarded a serious risk of harm to the dogs or otherwise
18 knowingly engaged in any criminal conduct in reference to the death of the
19 dogs.

20 55-57. To the contrary, the evidence indicated that the air conditioning system cooling
21 the kennel had suddenly failed early in the morning of June 20, 2014, and that
22 the Flakes did not know or have any reason to know that the air conditioning
23 system would fail.

24 56-58. Notwithstanding this evidence, on September 9, 2014, Defendant Arpaio held a
25 twenty-two (22) minute press conference to publicly announce that he was
26 recommending that Austin and Logan Flake be charged with twenty-one (21)
27 felony counts of animal cruelty and several related misdemeanors.

28 57-59. A true and correct transcript of Sheriff Arpaio's Press Conference of September
9, 2014 is attached hereto as Exhibit 2.

1 ~~58-60.~~ Sheriff Arpaio's press conference served no valid law enforcement purpose and
2 was designed to (a) pressure the Maricopa County Attorney's Office into
3 bringing felony charges against Austin and Logan, (b) embarrass and damage
4 the political career of Sheriff Arpaio's perceived political adversary, Senator
5 Jeff Flake, and (c) garner favorable publicity for Sheriff Arpaio in Arizona and
6 throughout the Country.

7 ~~59-61.~~ At the press conference, Sheriff Arpaio maliciously gratuitously, and falsely
8 announced that "we act on facts," and that he "was very confident that [he had]
9 the proper evidence" to support the twenty-one felony charges against the
10 Flakes.

11 ~~60-62.~~ Sheriff Arpaio's remarks at his press conference regarding the Flakes falsely
12 stated or implied by means of innuendo that (a) the Flakes were guilty of "21
13 felony charges [and] several misdemeanor charges" in connection with the
14 death of the dogs," (b) were guilty of "animal cruelty," and (c) had "fail[ed] to
15 provide [the dogs with] food, water, and shelter."

16 ~~61-63.~~ Under pressure from Sheriff Arpaio's repeated public accusations that Austin
17 and Logan had engaged in felonious misconduct, the Maricopa County
18 Attorney's Office presented the allegations against Austin and Logan to a grand
19 jury on Friday, October 10, 2014.

20 ~~62-64.~~ The case that the Maricopa County Attorney's Office presented to the grand
21 jury against Austin and Logan was based on material misrepresentations and
22 omissions of fact made by Sheriff Arpaio and his subordinates at the MCSO.

23 ~~63-65.~~ For example, MCSO Detective Marie Trombi maliciously lied to falsely told the
24 prosecutors at the Maricopa County Attorney's Office by falsely claiming that
25 the air conditioning system in the kennel "was on all night"; that the kennel was
26 always kept at "100 degrees"; and that the Flakes had recklessly and/or
intentionally killed the dogs by putting them in the kennel.

27 ~~64-66.~~ Detective Trombi also maliciously falsely told lied to the prosecutors at the
28 Maricopa County Attorney's Office by falsely claiming that the report from the

1 Salt River Project regarding electrical consumption at the Hughes' home on
 2 June 20, 2014 showed that the air conditioning system was "working fine all
 3 night."

4 ~~65-67.~~ In fact, the actual Salt River Project report indicated that electrical usage at the
 5 Hughes' home on June 20, 2014 "was not similar to the energy readings on the
 6 previous days during the same time or with following days during the same
 7 time" because it was approximately 4037% lower on June 20.

8 ~~66-68.~~ In fact, the MCSO's own expert also concluded that it was "very likely" that the
 9 system had failed "completely" on June 20, 2014.

10 ~~67-69.~~ The material misstatements and omissions of the MCSO prevented the
 11 Maricopa County Attorney's Office from exercising independent prosecutorial
 12 judgment in seeking an indictment against Austin and Logan.

13 70. As a proximate result of the MCSO's intentional, malicious material
 14 misrepresentations and omissions to prosecutors, the grand jury ultimately
 15 indicted the Flakes for twenty-one (21) felony counts of animal cruelty, and six
 16 (6) counts of misdemeanor animal cruelty, on Tuesday, October 14, 2014.

17 ~~68-71.~~ As a proximate result of the indictment, the Maricopa County Superior Court
 18 entered an Order prohibiting the Flakes from leaving Arizona or taking care of
 19 other people's pets.

20 ~~69-72.~~ On December 2, 2014, the Flakes' legal counsel filed a Motion to Dismiss and
 21 Remand the Indictment based on the MCSO's material misrepresentations and
 22 omissions to the grand jury.

23 ~~70-73.~~ After an investigation into the grand jury proceedings and the circumstances
 24 alleged in the Flakes' Motion to Dismiss, the Maricopa County Attorney's
 25 Office moved to voluntarily dismiss the case against them "in the interest of
 26 justice" on December 23, 2014.

27 ~~71-74.~~ The criminal proceedings against the Flakes terminated in their favor when the
 28 Court ultimately dismissed the State's charges on January 7, 2015.

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Count I

Malicious Prosecution

(against Maricopa County, Sheriff Arpaio, Eva Arpaio under the Fourth, Fifth, and Fourteenth Amendment to the Constitution of the United States and the common law of Arizona, and against Marie Trombi, and John Doe Trombi under federal law only)

72-75. Plaintiffs incorporate by this reference all of the paragraphs set forth above.

73-76. There was no probable cause for Defendants to recommend criminal charges against the Flakes to the Maricopa County Attorney's Office.

74-77. The criminal charges against the Flakes terminated in favor of the Flakes.

78. Sheriff Arpaio maliciously advocated for the indictment of the Flakes to hurt his perceived political enemy, Senator Jeff Flake.

75-79. Detective Marie Trombi maliciously and intentionally lied to the prosecutors and the grand jury in order to obtain a felony indictment against Plaintiffs, which proximately caused Plaintiffs to be deprived of their constitutional rights, including (but not limited to) their right to due process, their right to travel, and their right to work in a chosen occupation.

76. The criminal charges against the Flakes damaged their reputations, their careers and caused them to endure death threats, undue stress, anxiety, embarrassment and humiliation.

Count II

Defamation

(against Maricopa County, Sheriff Arpaio, and Eva Arpaio under the Fourteenth Amendment to the Constitution of the United States and the common law of Arizona)

77-80. Plaintiffs incorporate by this reference all of the paragraphs set forth above.

78-81. When taken as a whole, Sheriff Arpaio's remarks regarding Austin and Logan in his press release and in his press conference were false and in reckless

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disregard of the truth and constituted slander per se because they stated or implied that the Flakes had engaged in felonious conduct.

79-82. Sheriff Arpaio's remarks regarding Austin and Logan in his press release and at his press conference subjected Austin and Logan to public disrepute, contempt, ridicule, and repeated threats of physical violence.

Count III

False Light Invasion of Privacy

(against Maricopa County, Sheriff Arpaio, and Eva Arpaio under the common law of Arizona)

80-83. Plaintiffs incorporate by this reference all of the paragraphs set forth above.

81-84. When considered as a whole, Sheriff Arpaio's remarks regarding the Flakes in his press release and in his press conference created a false implication by innuendo that the Flakes were cruel to animals and had committed twenty-one felonies and other crimes in connection with the death of twenty-one dogs.

82. As a result of Sheriff Arpaio's remarks, the Flakes have suffered and continue to suffer (among other things) repeated threats of physical violence, lost income, lost educational opportunities, loss of reputation, embarrassment, humiliation, fear, depression, and anxiety.

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Count IV

Free Amendment Retaliation and Freedom of Association

(against Maricopa County, Sheriff Arpaio, Eva Arpaio under the Fourth, Fifth, and Fourteenth Amendment to the Constitution of the United States)

83-85. Plaintiffs incorporate by this reference all of the paragraphs set forth above.

1 84.86. Sheriff Arpaio advocated for the indictment of Austin and Logan Flake in order
2 to retaliate against his perceived political enemy, the father of Austin Flake,
3 Senator Jeff Flake, for Senator Flake's public criticism of Sheriff Arpaio.

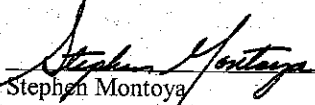
4 85.87. Pursuant to Rule 38 (b) of Federal Rules of Civil Procedure, the Flakes hereby
5 demand a trial by jury.

6 **WHEREFORE**, Plaintiffs respectfully request the Court to:

- 7 A. Issue a judgment declaring that the conduct of Defendants as
8 described above violated Plaintiffs' rights under the Civil Rights
9 Act of 1871, 42 U.S.C. § 1983, and the common law of Arizona;
10 B. Issue preliminary and permanent injunctions against Defendants
11 enjoining them from committing similar unlawful acts in the future;
12 C. Issue a judgment awarding Plaintiffs nominal, compensatory, and
13 punitive damages against Defendants, jointly and severally, in
14 amounts to be determined by the finder-of-fact at trial;
15 D. Issue a judgment awarding Plaintiffs reasonable costs and attorney
16 fees against Defendants pursuant to 42 U.S.C. § 1988 and any other
17 applicable law; and
18 Issue a judgment awarding Plaintiffs all other relief that is just and
19 proper against Defendants under the circumstances.

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21
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23
24 Respectfully submitted this 16th day of May 2016.

25 **MONTOYA, JIMENEZ, LUCERO & PASTOR, P.A.**

26
27 
28 Stephen Montoya

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I hereby certify that on May 16, 2016, I electronically transmitted the foregoing document to the Clerk of Court using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following registrant:

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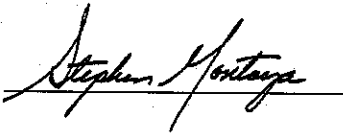


EXHIBIT 1



Maricopa County Sheriff's Office
Joe Arpaio, Sheriff

NEWSRelease

For Release: June 23, 2014

CONTACT: Sheriff Joe Arpaio

Sheriff Arpaio Promises Full Investigation into Deaths of 20 Dogs in Gilbert, AZ Boarding Facility

"No Stone Will Go Unturned"

(Phoenix, AZ) Maricopa County Sheriff Joe Arpaio, known for his aggressive stance on animal abuse and neglect, held a press conference today shortly after meeting with several owners whose dogs died over the weekend at a Gilbert, AZ kennel. In the press conference, the Sheriff reiterated his promise to fully investigate why so many dogs died a needless and horrible death.

Sheriff Arpaio's deputies responded to a call on Saturday morning, June 21, 2014 at the Green Acres Dog Boarding Facility at 15723 East Appleby Road and found 20 dead dogs – all different breeds, sizes and ages, piled into a shed on the property.

Some owners were there when deputies arrived, all visibly upset as the kennels owners and caretakers were questioned by deputies.

"Owners claim the air conditioning was cut off after a dog chewed through some electrical wiring," Arpaio says. "But it seems unreasonable that dogs could be healthy at 11PM at night and dead by 5:30am the next morning as the owners suggest. Even the veterinarian I met with today agrees that the timeline given by the owners and caretakers is highly suspect."

Dogs owners who met with Sheriff Arpaio today claim they were lied to and misled by the kennel's owners regarding the number of dogs being cared for there.

"Clearly, this is a situation that demands immediate and thorough investigation and I promise that my office will deliver just that," Arpaio says.

Jesse and Malesia Hughes who have operated the pet boarding business for two years were out of the state when the dogs died. The animals were being overseen by their relatives, Logan and Austin Flake.

When the Flakes discovered the dogs at 5:30 Friday morning, they attempted to save what animals they could by hosing and icing them down but failed to call for emergency assistance before the dogs died.

"There are a lot of questions that both this Sheriff and the dog's owners have and believe me by the time we are done with this investigation, we'll have the answers to most, if not all of the questions," Arpaio says.

"If a crime occurred, someone will be held accountable." END

EXHIBIT 2

Page 1

<p style="text-align: right;">Page 1</p> <p>1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE DISTRICT OF ARIZONA 3 4 Flake, et al.,) No. CV 01132-PHX-NVW 5) 6 Plaintiffs,) 7 vs.) 8 Arpaio, et al.,) 9 Defendants)</p> <p>10 11 12 TRANSCRIPT OF ARPAIO PRESS CONFERENCE 13 14 15 16 17 18 19 20 21 REPORTED BY: 22 DONNA DELAVINA, RFR DONNA DELAVINA REPORTING, LLC 23 Certified Reporter Arizona RRF No. R1010 24 Certificate No. 50468 365 East Coronado Road 25 Suite 210 26 PREPARED FOR: Phoenix, Arizona 85004 27 MR. STEPHEN MONTOYA P (602) 230-5454 28 F (602) 230-8444 29 (COPY) donna.delavina@live.com</p>	<p style="text-align: right;">Page 3</p> <p>1 charges be pursued against the four suspects in this 2 investigation. The four targets that we started out 3 with and I am sure that that office will review the 4 evidence and we'll see what happens. 5 I'm very confident that we have the proper 6 evidence. And, once again, the County Attorney's 7 Office will review our evidence. We're recommending 21 8 felony charges, several misdemeanor charges. I didn't 9 include the two rabbits that we also filed for felony 10 charges that happened recently about two weeks ago. 11 MALE VOICE: So you've given that case as 12 well to the County Attorney? 13 SHERIFF ARPAIO: Yes. 14 MALE VOICE: What was the -- what can you 15 share with us about the reason why it rose to the level 16 of a felony? What about this case makes it a felony? 17 SHERIFF ARPAIO: Well, I'll tell you what, 18 there is a law, anyone knowingly or intentionally, and 19 I'm going to give you the -- the crux of this case that 20 neglects -- you know, animal cruelty. And the key 21 issue here is the failure to provide food, water, and 22 shelter. And shelter. 23 So that's what we're basing the felony 24 charges on. There's other misdemeanor charges, for 25 example, maybe not calling a veterinarian to get help</p>
<p style="text-align: right;">Page 2</p> <p>1 (Whereupon, the press conference begins.) 2 3 SHERIFF ARPAIO: Thank you for coming. 4 This is a pretty quick, I don't know if you want to 5 call it a press conference, but I wanted to give you a 6 brief summary of what the progress is of the situation 7 involving the Green Acre dog investigation, which we 8 started the investigation around June 21st. 9 This was an intensive investigation that 10 our detectives did over two months. It took us out of 11 state and did some in innovative investigative 12 techniques, like hiring an air condition specialist, 13 air flow. 14 So we took this very serious, but a lot of 15 resources on this investigation. It's an important 16 investigation. We have the owners of the dogs very 17 concerned. They want action. I know that they were 18 somewhat frustrated at the time it took to complete the 19 investigation. But, once again, we had to be very 20 thorough. This is complicated. 21 So we finally completed the investigation. 22 We turned it over to the County Attorney for review and 23 don't forget that they had to make sure they had the 24 proper information and evidence to prosecute. So we're 25 recommending to the County Attorney that 21 felony</p>	<p style="text-align: right;">Page 4</p> <p>1 for those animals. You have to understand that 21 2 animals died in a 9-by-12 room and there were others in 3 there also. So I think 33 animals were boarded at the 4 time. 5 So -- but that's the crux of the animal 6 cruelty law that we're going on. 7 MALE VOICE: So each of the four suspects 8 has 21 felony charges and several misdemeanors? Or is 9 that split up somehow? 10 SHERIFF ARPAIO: I believe that they -- 11 Do they all have it? 12 FEMALE VOICE: Each of them. 13 SHERIFF ARPAIO: All four. You have the 14 of the owners, Hughes; and you have the Flakes that 15 were there, the caretakers. So they're all being 16 charged with 21 because we have 21 victims. 17 MALE VOICE: So why the Hugheses since 18 they weren't there? What did they do that brings it to 19 the level of felony? 20 SHERIFF ARPAIO: Well, the owners that 21 were in Florida? 22 MALE VOICE: The Hughes, yes. Yes. 23 SHERIFF ARPAIO: Well, they were in 24 control of that facility. They have to bear some 25 responsibility. So we'll see how it pans out in court.</p>

<p style="text-align: right;">Page 5</p> <p>1 I'm not going to give all the details right now. We're 2 not on trial, but I'm trying to give you the basic 3 facts of why we recommended these charges. 4 MALE VOICE: Can you tell us, did they say 5 put all the dogs in that room? Did the Hugheses give 6 those instructions? 7 SHERIFF ARPAIO: I'm not going to get into 8 all the details. That will come out in the court. 9 MALE VOICE: Sheriff, can I ask you this: 10 Of what you can't tell us, can you at least tell us 11 over the course of this investigation and the fact that 12 you now recommended these 21 felony charges, what 13 sticks out to you the most as far as any foul play, 14 anything that they could have done better? Is there 15 anything that you comment on that you learned over the 16 course of this investigation along those lines? 17 SHERIFF ARPAIO: You know, we act on 18 facts, that's why we conduct investigations. But I 19 said from the beginning that this doesn't really -- 20 should have a part of this case. 21 But I always said it doesn't meet the 22 smell test when you put 28 dogs in a 9-by-12 room. 23 But, once again, we have to do the investigation, get 24 the facts, prove our case, hire air conditioning 25 technicians, experts on the flow of air, because all of</p>	<p style="text-align: right;">Page 7</p> <p>1 get into all the details of why this one is charged and 2 not that one. That will come out. 3 MALE VOICE: What are the charges? 4 SHERIFF ARPAIO: I -- 5 MALE VOICE: What -- what were the felony 6 charges? 7 SHERIFF ARPAIO: -- just mentioned the 8 charge, cruelty, neglect -- 9 MALE VOICE: Cruelty -- 10 SHERIFF ARPAIO: -- on and on. I 11 mentioned those charges to you. 12 MALE VOICE: Is conspiracy one of them, 13 felony conspiracy? 14 SHERIFF ARPAIO: I'm not sure. But we did 15 do our homework. We know what the charges are, all 16 four of them. 17 MALE VOICE: Can you at least give some 18 indication of why this is not an accident? 19 SHERIFF ARPAIO: Not a what? 20 MALE VOICE: An accident? 21 SHERIFF ARPAIO: Not an accident? 22 MALE VOICE: Yeah. Just what -- can you 23 give us any detail at all that explains how this not an 24 accident on any of the suspects' part? 25 SHERIFF ARPAIO: I think the neglect part</p>
<p style="text-align: right;">Page 6</p> <p>1 this was, from day one, that a dog bit the -- a wire 2 that caused all of the air conditioning to go off. But 3 I would almost say that it probably didn't make any 4 difference when you look at the small room. 5 MALE VOICE: Did you guys find any 6 evidence that that claim was accurate, was true, that 7 the dogs ate through the wall? 8 SHERIFF ARPAIO: That's all going to be 9 part of our investigation that we turned in. 10 MALE VOICE: How can the people who were 11 hiring the caretakers be guilty of the exact same 12 charge that the caretakers themselves are guilty of? I 13 mean, I don't understand how they -- how they could 14 have -- or how they can be charged with the same thing 15 when you have one group of people that hired 16 caretakers, they -- you know, they've committed 17 something wrong, I guess you're saying on that end. 18 And then you have the caretakers who are responsible, 19 you're saying that all these people committed the same 20 crime, how is that possible? 21 SHERIFF ARPAIO: It's just like 21 22 felonies. Why do we have 25 (sic) felonies, because we 23 had 25 victims (sic), owners that lost their dog. And 24 also we have conspiracy charges when you do 25 investigative work, you know that. So I'm not going to</p>	<p style="text-align: right;">Page 8</p> <p>1 of it and proper shelter, that's part of the law. I 2 don't think a 9-by-12 room with 28 dogs is proper 3 shelter to begin with. You've got the food element. 4 You have the food element, the water element, so 5 there's a lot of reasons we have these laws. 6 FEMALE VOICE: Sheriff, there were some 7 autopsies done on the dogs. Can you talk about that? 8 Have they come in yet? Were they helpful in the 9 investigation? 10 SHERIFF ARPAIO: There were seven done, 11 two different locations we pursued and -- to see if 12 there was any drugs or -- we didn't come up with 13 anything really that you would call positive for our 14 investigation. 15 MALE VOICE: What did the air flow and 16 electrical experts determine? 17 SHERIFF ARPAIO: I have no idea. I'm not 18 an expert. Once again, I'm giving you a brief summary 19 of the charges that we filed. 20 MALE VOICE: If you can kind of tell us 21 the County Attorney's involvement in all of this? Did 22 they -- are they just now getting involved or have they 23 been consulting with you guys -- 24 SHERIFF ARPAIO: Well, we talked to, like 25 we always do, on any animal cruelty we do talk</p>

<p style="text-align: right;">Page 9</p> <p>1 sometimes with the expert attorney at the County 2 Attorney's Office that understands animal cruelty. So 3 we've ran some things by the lawyer. But, once again, 4 it will be up to the County Attorney's Office to 5 determine whether there's enough evidence for charges, 6 slash, conviction. 7 MALE VOICE: You say you're confident, 8 explain to us why you're so confident. 9 SHERIFF ARPAIO: Well, once again, I know 10 that my office did a thorough investigation of two 11 months, developing this case. I know, as far as I'm 12 concerned and my office is concerned, we know we did 13 the best that we could do to obtain the proper 14 evidence. And now it will be up -- if charges will be 15 filed. 16 MALE VOICE: Is the investigative report 17 ready for public release yet? 18 SHERIFF ARPAIO: I don't think it is right 19 now. It's -- 20 MALE VOICE: What's the holdup? 21 SHERIFF ARPAIO: Pardon? 22 MALE VOICE: What's the holdup? If you've 23 submitted it to the County Attorney's Office, how come 24 you're not releasing the report yet to the public? 25 SHERIFF ARPAIO: Well, that's a different</p>	<p style="text-align: right;">Page 11</p> <p>1 SHERIFF ARPAIO: I'm confident that -- 2 what our office has investigated, I'm confident in the 3 expertise and professionalism. I'm confident in the 4 two months it took to put the facts together to gather 5 the proper evidence. And now it's going to be up to 6 the County Attorney to review it and it will be up to 7 him to file charges. 8 MALE VOICE: Sure. But let me put it a 9 better way, under what basis are you withholding the 10 investigative report from the public right now? 11 SHERIFF ARPAIO: I'm not -- I just started 12 this right now. We'll discuss that later. This is the 13 initial press situation -- 14 MALE VOICE: Sure. But you haven't given 15 any details -- 16 SHERIFF ARPAIO: that I'm doing right now. 17 I'm not going to discuss whether you're going to get 18 the reports right now. 19 MALE VOICE: Well, we would like to see 20 the reports to get the details, you know. 21 SHERIFF ARPAIO: Okay. Well, call me 22 later on. Put a PI -- put an FOI request in, that's 23 all you have to do, Ray. 24 MALE VOICE: Sheriff, can I -- 25 MALE VOICE: So it's ready for release</p>
<p style="text-align: right;">Page 10</p> <p>1 issue. I'll have to look into that whether this case 2 is finished or not. 3 MALE VOICE: Sheriff, can I ask you a 4 question, as far as -- 5 SHERIFF ARPAIO: Because -- excuse me. 6 MALE VOICE: So you're not releasing the 7 investigative report any time soon? 8 SHERIFF ARPAIO: Well, I'll have to 9 determine that, right? I don't know right now. 10 MALE VOICE: Why -- 11 SHERIFF ARPAIO: Because I'm not -- 12 MALE VOICE: That can be -- 13 SHERIFF ARPAIO: I don't have the facts 14 right now whether we're going to. I don't have the 15 facts whether there could be follow-up investigation, a 16 possibility. Maybe this case not closed yet. 17 MALE VOICE: But you've submitted it to 18 the County Attorney's Office -- 19 SHERIFF ARPAIO: Yes. 20 MALE VOICE: -- so you're confident that 21 what you've submitted, you've submitted a chargeable 22 report. 23 SHERIFF ARPAIO: I'm confident that -- 24 MALE VOICE: So why not release the report 25 to the public --</p>	<p style="text-align: right;">Page 12</p> <p>1 then? 2 FEMALE VOICE: Most of us have already 3 done that and -- 4 SHERIFF ARPAIO: Just put the FOI in then 5 we'll determine what the redact and if we're going to 6 release it. I'm telling you something maybe I 7 shouldn't even be talking to you guys. I'm trying to 8 keep you abreast of what's going on. And also I think 9 the victims have a right, the victims have a right to 10 know that this Sheriff did not get lost or ignore this 11 investigation. 12 We put a lot of time -- there's been some 13 talk that we're -- we're not doing the investigation 14 properly or we're stalling this investigation. I said 15 from the beginning that we are going to -- no stone 16 unturned to get to the bottom of this. And now I'm 17 reporting to the media. 18 And now we took the final step, we 19 completed our investigation. It's over at the County 20 Attorney's Office and now we have to rely on him and 21 determine what will happen. He's the prosecutor. 22 He'll make the decision whether there's enough 23 information to charge these people. 24 MALE VOICE: Sheriff, can I ask you this? 25 I know soon after the initial death of the dogs, they</p>

<p style="text-align: right;">Page 13</p> <p>1 were still caring for animals, caring for dogs. I was 2 out there one day when a guy was picking one up. Do 3 these charges stop them if they are continuing to care 4 for dogs, does this stop them in any way from 5 continuing to care for people's animals? 6 SHERIFF ARPAIO: Well, I don't think it -- 7 that all depends, they -- first of all, we have to look 8 at the laws and get some laws changed or initiated 9 especially when you talk about permits and control of 10 these type of, you know, facilities to handle dogs. 11 That's another issue. 12 But right now I can't answer the question. 13 I don't know if there's anything in the laws that says 14 you can't continue on, as long as you don't violate the 15 law. I can't stop them right now from saying you can't 16 house dogs anymore. If they do it, there better be no 17 crime committed. 18 So that's -- we're in infancy stage now of 19 arrests coming up possibly and also prosecution. 20 MALE VOICE: Did you -- 21 FEMALE VOICE: Can you tell us how 22 cooperative the Hughes and the Flakes were during this 23 two-month investigation. 24 SHERIFF ARPAIO: Well, they were very 25 cooperative, the Hughes, until we executed the search</p>	<p style="text-align: right;">Page 15</p> <p>1 MALE VOICE: Have you reached out to any 2 of the victims since the completion of investigation? 3 SHERIFF ARPAIO: The what? 4 MALE VOICE: Have you reached out to any 5 of the victims since the completion of the 6 investigation? 7 SHERIFF ARPAIO: Well, you know, I've been 8 somewhat active dealing with the victims in some of the 9 demonstrations and all that. 10 But if you're talking about today, did I 11 reach out? I'm sure they know about this -- this -- 12 the talk I'm having with the press right now. I don't 13 know where they're at. But I'm sure that they 14 understand and we'll see what they have to say. 15 But, once again, we're a law enforcement 16 agency and we have to follow the rules and regulations 17 and get the facts. I feel sorry for the victims. I 18 know how they feel losing their animals. Believe me, I 19 know how they feel. I know their frustration. I'm not 20 going to criticize any frustration they have. 21 I did say from the beginning, and I think 22 we kept our promise, we're going to do everything we 23 can to get this case resolved. And I don't know if 24 there's much more that this office could do. 25 MALE VOICE: Sheriff, can I ask you,</p>
<p style="text-align: right;">Page 14</p> <p>1 warrant. And then as far as Flake is concerned, we did 2 go out of state to talk to him. We located him and he 3 didn't want to talk and that's okay. Everybody has the 4 right to get their lawyers involved and so that's what 5 happened. 6 MALE VOICE: So did you ever talk to the 7 Flakes? 8 SHERIFF ARPAIO: Did I ever talk to them? 9 MALE VOICE: Well, did your 10 investigative -- 11 SHERIFF ARPAIO: My detectives went up to 12 Provo and they talked to... 13 MALE VOICE: But they never interviewed 14 them? 15 SHERIFF ARPAIO: Justin. 16 Do what? 17 MALE VOICE: Austin. Did they ever 18 interview Austin Flake, as far as the investigation? 19 SHERIFF ARPAIO: They went to talk to him 20 and he decided not to talk and to see the lawyer, which 21 is okay. 22 MALE VOICE: Since then, they never were 23 able to interview him? 24 SHERIFF ARPAIO: I don't think we've 25 talked to him after that since he has a lawyer.</p>	<p style="text-align: right;">Page 16</p> <p>1 usually you have a gun on your tie. Is there any 2 significance to the cuffs? 3 SHERIFF ARPAIO: What do you do, look at 4 my gun? You're looking at my tie every day? 5 (Laughter.) 6 MALE VOICE: Sheriff, did you talk to 7 Senator Flake -- 8 SHERIFF ARPAIO: Well, wait a minute. 9 Hold on. 10 MALE VOICE: Okay. 11 SHERIFF ARPAIO: He's asking about my gun. 12 MALE VOICE: All right. 13 SHERIFF ARPAIO: I answered your questions 14 about releasing -- 15 MALE VOICE: I thought you were done with 16 that question. 17 SHERIFF ARPAIO: So what are talking about 18 whether I a -- that I have handcuffs? 19 MALE VOICE: Just -- 20 SHERIFF ARPAIO: Well, you know handcuffs 21 signify -- what do handcuffs signify? 22 MALE VOICE: An arrest. 23 MALE VOICE: An arrest. 24 SHERIFF ARPAIO: Oh, very smart. Now, if 25 I had my gun, it might be a little more dangerous --</p>

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<p style="text-align: right;">Page 17</p> <p>1 MALE VOICE: Well, it's funny you're 2 wearing it, since there's no arrest. So why are you 3 wearing that? 4 SHERIFF ARPAIO: I'll tell you why -- you 5 want to know why? Because I didn't expect to have this 6 conference here. I didn't even have a tie. I had to 7 borrow the tie and the handcuffs, okay, because I'm 8 very professional. And so I couldn't find anything 9 else to knock this thing down on my shirt. So they're 10 handcuffs. I'm a cop. What do you want me to put on, 11 a heart? 12 (Laughter.) 13 MALE VOICE: Has Senator Flake talked to 14 you or anyone in your office about this case and his 15 son's involvement in it? 16 SHERIFF ARPAIO: You know what, I met 17 Senator Flake, quite frankly, the night of the election 18 when I was celebrating Duccy's election in the primary. 19 And he happened to come up to me and said hello and 20 very friendly and I shook his hand and that's it. We 21 discussed nothing about this situation and he did not, 22 to this day, call me or -- I think they know better any 23 way, to call the Sheriff. 24 So, no, it has nothing do with Senator 25 Flake. It's strictly we just follow the leads and the</p>	<p style="text-align: right;">Page 19</p> <p>1 SHERIFF ARPAIO: -- at the time. 2 FEMALE VOICE: Sorry. 3 I don't know if you know this offhand, but 4 can you describe what -- what penalties they're looking 5 at, if they are convicted? 6 SHERIFF ARPAIO: You know, felonies are 7 serious crimes, it all depends what type. I can't get 8 into all of this. But that will come out eventually on 9 charges if charges are there. It will be outlined, you 10 know, just what the -- what the time you can do for 11 these charges. 12 FEMALE VOICE: Sheriff, I noticed that the 13 other two dogs are not listed in, you know, the 14 recommendation for these charges. Are their 15 circumstances, are they special, are they -- I won't 16 say out of the ordinary, but are you dealing with 17 different circumstances because we know of one that ran 18 away. 19 SHERIFF ARPAIO: That one ran away and the 20 dog was hit by a car and crawled to die on the side of 21 the road. That dog escaped, I presume from that area. 22 But I don't know if there's any charges on that right 23 now. 24 We do know we have 21 dogs that died. I 25 believe one of them was the owner's dog that was found</p>
<p style="text-align: right;">Page 18</p> <p>1 surname of people have no interest to me. I don't care 2 what the name is. 3 I answered your question, right? 4 MALE VOICE: Just curious, were the 5 Hugheses and Flakes notified about the 6 recommendation -- 7 SHERIFF ARPAIO: Today? 8 MALE VOICE: Yeah. 9 SHERIFF ARPAIO: No. 10 MALE VOICE: No. 11 SHERIFF ARPAIO: I'm just going public 12 because there's been a lot of controversy. They just 13 had demonstrations in front of this building on 14 Saturday. I had to let the people know what the status 15 of this case, because I do report to the people. And I 16 want to just to let them know the update. I want you 17 guys to know the update and that's what I'm doing. 18 I'm telling you right now, because you've 19 all been concerned, what's the status. I'm telling 20 you, we have completed our investigation. We're 21 recommending 20 -- we're recommending 21 felony counts 22 and misdemeanors. It's over at the County Attorney and 23 they're going to look at it and decide what to do on 24 these charges -- 25 FEMALE VOICE: Sheriff --</p>	<p style="text-align: right;">Page 20</p> <p>1 in the backyard. So a sad situation. I'm very tough 2 on animal cruelty, as you all know. And I'm just 3 comfortable, and I will tell the victims that if I see 4 them, we did everything we could. 5 And, by the way, since then we've arrested 6 others for animal cruelty, so this isn't -- so we're -- 7 whether it's horses or dogs or -- we have more coming 8 that we're going to arrest people on. 9 But this was a little different because of 10 the number of dogs and the people were very concerned 11 and interested. Not that we do it because of public 12 opinion or relation. But sometimes you have to listen 13 to the victims. They were just devastated, devastated. 14 And I'm just confident, I have to thank 15 all my detectives that worked hard around the clock, 16 probably doing one of the most exhaustive professional 17 investigations of anybody in this country when you're 18 dealing with animal cruelty. Believe me, I know, we 19 take cases that other people are not interested in. 20 MALE VOICE: Sheriff -- 21 SHERIFF ARPAIO: So -- 22 MALE VOICE: -- did the victims know the 23 size of the shelter before they left their animals 24 there? 25 SHERIFF ARPAIO: I --</p>